

## **REMARKS**

This Amendment is fully responsive to the non-final Office Action dated December 17, 2009, issued in connection with the above-identified application. Claims 1 and 13-15 are pending in the present application. With this Amendment, claims 1 and 13-15 have been amended, and claim 20 has been added. No new matter has been introduced by the amendments made to the claims or by the new claim added. Favorable reconsideration is respectfully requested.

### **I. Claim for Foreign Priority**

The Applicants note that the Examiner failed to check the appropriate boxes in item 12 on page 1 of the Office Action. The Applicants respectfully request that the Examiner acknowledge the Applicants' claim for foreign priority as well as receipt of all the certified priority documents by checking the appropriate boxes in item 12 of the next Office correspondence. The Examiner's cooperation regarding this matter is highly appreciated.

### **II. Rejection under 35 U.S.C. 103(a)**

In the Office Action, claims 1 and 13-15 have been rejected under 35 U.S.C 102(e) as being anticipated by Hasegawa (U.S. Publication No. 2004/0072592, hereafter "Hasegawa").

The Applicants have amended independent claims 1 and 13-15 in order to more clearly distinguish the present invention from the cited prior art. For example, independent claim 1 (as amended) recites the following features:

"[a]mobile telephone which accommodates an IC card having a memory area for storing information regarding electronic money, the mobile telephone comprising:

a first wireless communications section operable to perform a mobile telephone communication via a communication network;

a second wireless communications section operable to perform a contactless communication, which is independent of the mobile telephone communication, between a reader/writer provided in an automatic ticket gate, and the IC card when the IC card is placed over the automatic ticket gate;

a wireless communications control section;

operable to, in the case where said second wireless communications section accesses the memory area for storing the information regarding electronic money to perform processing for exchanging the electronic money with the reader/writer, when the IC card is placed over the

automatic ticket gate, determine that a contactless communication that involves highly confidential information is to be performed by said second wireless communications section, cause a mobile telephone communication function of said first wireless communications section to be in a function deactivated mode where the mobile telephone communication function is not reactivated automatically, and certainly complete the contactless communication, performed by said second wireless communications section, that involves highly confidential information; and operable to in the case where said second wireless communications section performs the contactless communication without accessing the memory area for storing the information regarding electronic money, when the IC card is placed over the automated ticket gate, cause a mobile telephone communication function of said first wireless communications section to be in a temporary deactivated mode where the mobile telephone communication function is reactivated automatically, and preferentially complete the contactless communication performed by said second wireless communications section; and a timer section operable to start timing when said wireless communications control section causes the mobile telephone communication function of said first wireless communications section to be in the temporary deactivated mode, said timer section being used for reactivation from the temporary deactivated mode, wherein, at a time when a predetermined time period has elapsed in a timer operation of said timer section, said wireless communication control section automatically returns said first wireless communication section from the temporary deactivated mode to a mode where a mobile telephone communication can be performed.” (Emphasis added).

The features emphasized above in independent claim 1 are similarly recited in independent claims 13-15 (as amended). That is, independent claim 13 is a corresponding method and independent claims 14 is a corresponding program; and both claims have steps directed to the features emphasized above independent claim 1. Additionally, independent claim 15 is an integrated circuit that includes circuitry directed to the features emphasized above in independent claim 1. The features emphasized above in independent claim 1 (and similarly recited in independent claims 13-15) are fully supported by the Applicants’ disclosure.

The present invention (as recited in independent claims 1 and 13-15) is distinguishable from the cited prior art in that a wireless communications control section (or step) is operable to, in a first case where the second wireless communications section accesses the memory area for

storing the information regarding electronic money to perform processing for exchanging the electronic money with the reader/writer when the IC card is placed over the automatic ticket gate, determine that a contactless communication that involves highly confidential information is to be performed by the second wireless communications section, and cause a mobile telephone communication function of the first wireless communications section to be in a function deactivated mode where the mobile telephone communication function is not reactivated automatically.

In this first case, the wireless communications control section certainly completes the contactless communication performed by the second wireless communications section that involves highly confidential information.

Additionally, the wireless communications control section (or step) is also operable to, in a second case where the second wireless communications section performs contactless communication without accessing the memory area for storing the information regarding electronic money when the IC card is placed over the automated ticket gate, cause a mobile telephone communication function of the first wireless communications section to be in a temporary deactivated mode and automatically reactivated after a time period has elapsed.

In this second case, the second wireless communications section can preferentially complete the contactless communication while being a minimal inconvenience to the user.

Additionally, a timer section is operable to start timing when the wireless communications control section causes the mobile telephone communication function of the first wireless communications section to be in the temporary deactivated mode, wherein the timer section is used for reactivation from the temporary deactivated mode. That is, when a predetermined time period has elapsed as determined by the timer section, the wireless communications control section automatically returns the first wireless communications section from the temporary deactivated mode to a mode where a mobile telephone communication can be performed.

In the Office Action, the Examiner relies on Hasegawa for disclosing all the features recited in independent claims 1 and 13-15. However, the Applicants assert that Hasegawa fails to disclose or suggest the features now recited in independent claims 1 and 13-15 (as amended).

As disclosed by Hasegawa, upon entrance to a venue for a concert (or the like) and when a mobile telephone storing a contactless IC is held over a reader/writer provided at the gate of the

venue, a verification of entry is checked and at the same time a function of the mobile telephone is switched to a manner mode or an off-line state.

Although Hasegawa discloses a function (i.e., ON/Off) of a mobile telephone storing a contactless IC being switched based on the results of a communication performed (i.e., using the contactless IC), Hasegawa fails to disclose or suggest at least the features of the present invention (as recited in independent claims 1 and 13-15) noted below.

First, Hasegawa fails to disclose or suggest a wireless communications section (or step) that is operable to, in a first case where a wireless communications section performs processing for exchanging electronic money with the reader/writer when a contactless communication that involves highly confidential information is to be performed, cause another wireless communications section or function to be deactivated and not automatically reactivated in order to absolutely prevent radio interference from being caused.

Second, Hasegawa fails to disclose or suggest a wireless communications section (or step) that is operable to, in a second case where the second wireless communications section performs contactless communication without accessing a memory area for storing the information regarding electronic money, cause another wireless communications section or function to be temporarily placed in a deactivated mode and automatically reactivated when a predetermined time period has elapsed.

In communication performed in the first case, because data in an area for treating electronic money is rewritten, any incorrect processing must be prevented. Additionally, the communication must be protected against malicious attack. Therefore, this method of communication (in the first case) is complex, and the time taken for processing and the amount of processing performed overall are far greater than that needed for the second case (noted above).

In the first case, even if a small error is caused in the communication, a series of steps of processing such as authentication must be performed again, and the time taken for recovery is considerable. Therefore, it is desired that, in the communication performed in the first case, radio interference due to the other wireless communications is absolutely prevented from being caused, even if convenience of the user is sacrificed to some degree.

However, if, when a contactless communication is performed by the second wireless communications section, the other wireless communication function is caused to be in the

function deactivated mode where the function is not automatically reactivated, the user always needs to return the other wireless communication function to a mode where the other wireless communication can be performed, for example, by pressing a button.

Considering the above, when a contactless communication is performed by the second wireless communications section, the present invention (as recited in independent claims 1 and 13-15) causes, in the first case, the other wireless communication function to be in a function deactivated mode and not automatically reactivated thereby giving first priority to the second wireless communications section to absolutely prevent radio interference from being caused.

In addition, because the communication in the first case relates to electronic money, the user, in general, confirms whether or not electronic money has been correctly paid, whether or not charge has been correctly performed, after the communication is completed. If such confirmation has been made, completion of the communication has been confirmed at the same time, and if, upon such confirmation, the user performs operation for reactivating the other radio communication function, the user is hardly bothered.

In the second case, because the amount of the processing is small, the present invention (as recited in independent claims 1 and 13-15) causes the other wireless communication function to be in a temporary deactivated mode and automatically reactivated after a time period has elapsed. Thus, the contactless communication performed by the second wireless communications section is prioritized, but at the same time, convenience of the user is ensured by the reactivation being performed within a predetermined time period.

Based on the above discussion, the technical features and the advantages provided by the present invention (as recited in independent claims 1 and 13-15) are not disclosed or suggested by Hasegawa. Based on the above discussion, independent claims 1 and 13-15 (as amended) are not anticipated or rendered obvious by Hasegawa. Additionally, claim 20 is not anticipated by Hasegawa at least by virtue of its dependency from independent claim 1.

### III. Conclusion

In light of the above, the Applicants submit that all the pending claims are patentable over the prior art of record. The Applicants respectfully request that the Examiner withdraw the rejections presented in the outstanding Office Action, and pass this application to issue. The Examiner is invited to contact the undersigned attorney by telephone to resolve any remaining issues.

Respectfully submitted,

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